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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/932,784    09/18/97    MCKAIN    J    A0521/7125

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LM02/0928

EXAMINER

NGUYEN, H

ART UNIT

PAPER NUMBER

2712

DATE MAILED:

09/28/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/932,784

Applicant(s)  
MCKAIN et al

Examiner  
HUY NGUYEN

Group Art Unit  
2712



☒ Responsive to communication(s) filed on Jul 9, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al (5,946,445) and Washino (5,488,433) .

Regarding claims 1-2, 3, 5 and 6, Peters discloses a digital motion picture recorder comprising :

a housing sized to be portable for use by an individual (Fig. 1);

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processing means ( Fig. 1) in the housing for processing the motion video signal;  
a converting means for converting the motion video signal into a sequence of the still image (column 2);  
storage means (5) for storing the sequence of still images on a computer readable and rewritable random access medium mounted in the housing (column 3).

Peters fails to teach a motion camera mounted in the housing and provide broadcast quality motion video signal . However, it is noted that a recorder which is integrated with video system for portability and a camera for providing broadcast quality is well known in the art as taught by Peters (See Peters column 3, lines 44-54, Fig 1) and in the art as taught by Washino . Therefore, it would have been obvious to one of ordinary skill in the art to modify the digital recorder of Peters by providing a motion camera which output a broadcast quality as taught by Washino in the same housing of the digital recorder for portability 's purpose therefore providing more advantages on use on location or studio.

Regarding claim 4, Peters as modified with Washino further teach a editing means for editing the still image signal (See Washino column 4, lines 13-17).

Regarding claim 7, Peters as modified with Washino fails to specifically teaches that the portable housing is ruggedized.. However , it is noted that ruggedizing a device is well known in the art and also it is required by customer . Therefore it is would have been obvious to one of ordinary skill in the art to make the housing of the recorder of Freeman as modified with

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Washino is ruggedized in order to provide the recorder of Freeman as modified with Washino with more endurance .

Regarding claim 8, Peters fails to teaches a calibrating means for calibrating the motion picture to a digital video color standard signal. However, it is noted that using a calibrating means for calibrating motion picture signal to a digital video color standard signal is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Peters by using a well known calibrating means in the apparatus of Freeman to calibrating the motion picture signal to a digital video color standard signal.

### *Response to Arguments*

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775. The examiner can normally be reached on Monday to Friday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

H.N

September 26, 1999

  
HOY NGUYEN  
PRIMARY EXAMINER